

## **REMARKS**

The Office Action dated September 20, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto. Claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 1-7 are respectfully submitted for consideration.

Claims 1-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action asserted that claim 1 recites the limitation "first index," "second index," "third index," and "fourth index," and that it is unclear as to how these terms are calculated and the specification does not provide the support. This rejection is respectfully traversed.

The present application, at least on page 4, lines 16-25, provides adequate support for these indices limitations. For example, the first processing unit recognizes the "placed order content" of each first trader, based on the communication with the first terminal device. The first processing unit determines the "first index" depending on "cost" needed for the commercial transaction for each of the second trader, based on a part of or all of the "placed order content" of each first trader. Similarly, the support for limitations "second index," "third index," can be found, at least, on page 5, lines 5-15, and on page 12, lines 1-10, of the present application. The Office Action asserted that the limitation "fourth index" is not clear. However, claim 1 does not include the limitation

“fourth index.” Therefore, the Office Action improperly rejects claim 1 based on this limitation.

The Office Action further asserted that claim 3 recites the limitation “magnitude of the desire” and this limitation is a relative term. This rejection is respectfully traversed.

In certain embodiments of the present invention, the standard for measuring the magnitude of the desire is provided although, on its face “magnitude” is an absolute term, not a relative term. For example, according to the commercial transaction management system of the present invention, the "selection index" is determined according to the "order receiving policy" which indicates the magnitude of the desire by the second trader to commence commercial transaction with each of the first trader. If the desire of the second trader to commence commercial transaction with the first trader B is stronger than that with the first trader A, then the "selection index" of the second trader for the first trader B is determined to be greater than the "selection index" of the second trader for the first trader A. See, paragraph [0022] of the present application.

According to MPEP 2173.05(b), the fact that the claim, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. As discussed above, to the extent that the magnitude of the desire is a term of degree present in the claim (not admitted), the specification provides adequate standard for measuring that degree.

The Office Action also asserted that claim 5 recites the limitation “correcting the first index,” and that it is unclear how this correction is calculated. The support for this

limitation “correcting the first index” can be found in several places in the specification. See, at least, paragraphs [0045] and [0055] of the present invention. For example, in certain embodiments of the present invention, the commercial transaction management system of the present invention includes a first correction processing unit for correcting the first index based on an order receiving status or a production progress status of the goods by the second trader, upon recognizing the order receiving status or the production progress status of the second trader based on the communication with the second terminal device. See, at least, paragraph [0026] of the present application. Also, the first correction processing unit 121 recognizes the "order receiving status" and the "production progress status" of each second trader. Then, the first correction processing unit 121 corrects the first index  $a_{ij}$  based on the "order receiving status" and the "production progress status" of the second trader  $j$ . See, paragraph [0055] of the present application.

The Office Action asserted that claim 6 recites the limitation “correcting the second index,” and that this limitation is not supported by the description. Applicant respectfully disagrees with the Office Action’s position. The arguments presented above supporting the patentability of claim 5 are incorporated herein.

The Office Action asserted that claim 7 recites the limitation “correcting the third index based on ratings of quality of goods or level of service,” and that this limitation is not clear as to what this recitation is attempting to encompass. Applicant respectfully disagrees with the Office Action’s position.

The support for this limitation can be found several places in the specification.

See, at least, paragraph [0030] of the present application. Thus, one of ordinary skill in the art would understand the metes and bounds of the invention, as required by 35 U.S.C. 112, second paragraph.

In view of the above, it is respectfully requested that the rejection of claims 1-7 be withdrawn.

Claims 1-3 were rejected due to insufficient antecedent support. The Office Action took the position that claim 1-3 includes the limitation “the fifth processing unit,” “the level of service,” and “the fourth processing unit,” and there is insufficient antecedent basis for these limitations. Claim 1 has been amended to fix the antecedent basis problems. Thus, it is respectfully requested that the rejection of claim 1 be withdrawn. Claims 2 and 3 should also be allowed for at least their dependencies upon claim 1.

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0046157 to Solomon (“Solomon”) in WO 02/17194 to Schreiber (“Shrëiber”). The Office Action took the position that Solomon discloses all of the elements of any of the presently pending claims, with the exception of desired delivery data of the ordered goods by the first trader. The Office Action then cited Schreiber to cure the deficiencies of Solomon. This rejection is respectfully traversed.

Independent claim 1, upon which claims 2-7 are dependent, recites a commercial transaction management system for managing commercial transaction between a plurality of first traders and a plurality of second traders as parties involved, based on network

communication with a first terminal device of the first trader placing order of goods, and a second terminal device of the second trader receiving order of goods. The system includes a first processing unit for determining a first index according to cost needed for commercial transaction with the first trader for each of the second trader, based on a part of or all of a placed order content of the first trader, upon recognizing the placed order content including category, quantity, desired delivery date, and priority rank of the ordered goods by the first trader based on the communication with the first terminal device.

The system also includes a second processing unit for determining a second index according to time needed for commercial transaction with the first trader for each of the second trader, based on a part of or all of the placed order content of the first trader, upon recognizing the placed order content of the first trader based on the communication with the first terminal device. The system additionally includes a third processing unit for determining a third index according to quality or level of service, upon recognizing the quality of goods or the level of service of each of the second trader.

The system further includes a fourth processing unit for determining a selection index for selecting the second trader, based on the first index, the second index, and the third index determined by the first processing unit, the second processing unit, and the third processing unit, respectively, and for determining the second trader receiving order of goods from the first trader, based on the selection index. The system includes a fifth processing unit for determining a received order content including the category, quantity,

delivery date, and priority rank of the ordered goods received by the second trader, based on the placed order content by the first trader recognized by the first or the second processing unit. The system includes also a communication processing unit for transmitting the received order content determined by the fifth processing unit to the second terminal device of the second trader selected by the fourth processing unit.

As will be discussed below, the combination of Solomon, Schreiber, and Dudle fails to disclose or suggest all of the elements of any of the presently pending claims.

Solomon generally describes intelligent negotiation agents (INAs) that are autonomous intelligent software agents that negotiate for the acquisition of products, services and bundles by adopting roles of buying, selling and brokering in which a buyer agent negotiates with at least two seller agents in a distributed communications environment. See abstract of Solomon. The Office Action took the position that Solomon discloses “a fifth processing unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader, based on the placed order content by the first trader recognized by the first or the second processing unit,” as recited in independent claim 1.

However, Solomon does not disclose this feature. The Office Action took the position that paragraph [0265] of Solomon discloses this limitation. However, paragraph [0265] of Solomon merely discloses interaction between a B-INA and at least two S-INAs. In Solomon, the buyer selects a winner 2595 and awards a contract. The interactions between B-INA and non-selected S-MNAs automatically terminate after

winner determination. Also, Solomon's system does not determine a received order based on the placed order content as in the present invention. Rather, the system of Solomon merely discloses interactions and negotiations between B-INA and S-INA1. See, paragraph [0265] of Solomon. Solomon does not disclose a received order nor how a received order is determined.

Therefore, Solomon fails to teach or suggest "a fifth processing unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader, based on the placed order content by the first trader recognized by the first or the second processing unit," as recited in independent claim 1.

Shreiber generally describes a transaction server 112 receives transaction profiles from market parties 102 corresponding to at least three different classes of market parties. Transaction profiles having overlapping limitations are identified to form a group of at least three market parties where each market party 102 belongs to a different market party class. Multiple groups may be identified and transmitted to each market party 102 belonging to a group. The examples of market party classes include buyers, sellers and transaction enablers 406 such as shippers and insurers. See abstract of Shreiber.

It is respectfully submitted that Shreiber fails to teach or suggest "a fifth processing unit for determining received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader, based on the placed order content by the first trader recognized by the first or the second

processing unit,” as recited in independent claim 1. Shreiber merely discloses receiving a transaction profiles from transaction server 112 from market parties 102. Sheriber’s system does not determine the received order content including the category, quantity, delivery date. Rather, the system of Shreiber merely describes receiving transaction profiles from market parties 102 to classes of market parties. Therefore, the combination of Solomon and Shreiber fails to teach or suggest all of the elements of independent claim 1.

Furthermore, it is respectfully submitted that Solomon fails to teach or suggest, at least, “a fourth processing unit for determining a selection index for selecting the second trader, based on the first index, the second index, and the third index determined by the first processing unit, the second processing unit, and the third processing unit, respectively, and for determining the second trader receiving order of goods from the first trader, based on the selection index,” as recited in independent claim 1. Solomon does not determine a selection index based on the first, second, and third index, and determine the second trader receiving order based on the selection index. Rather, Solomon only discloses ranking at least four sellers at the first search response, and providing interaction in the pre-negotiation session to focus further negotiations.

Therefore, Solomon does not teach or suggest all of the elements of claim 1. Shreiber also fails to teach or suggest this limitation, and, thus, the combination of Solomon and Shreiber fails to teach or suggest all of the elements of claim 1. As such, it is respectfully requested that the rejection of claim 1 be withdrawn.



Claims 2-4 depend from, and further limit, claim 1. Therefore, each of claims 2-4 recites limitations that are neither disclosed nor suggested in the cited reference. As such, it is respectfully requested that the rejection of claims 2-4 be withdrawn.

Claims 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Schreiber, and further in view of U.S. Patent No. 5,570,291 to Dudle et al. ("Dudle"). The Office Action took the position that the combination of Solomon and Schreiber teaches all of the elements of claim 5, with the exception of a first correction processing unit. The Office Action then cited Dudle to cure the deficiencies of Solomon and Schreiber. This rejection is respectfully traversed.

Dudle generally describes a system for generating estimates and orders for the manufacture of custom items such as business forms, which stores estimate data at a central location, for access by sales representatives at remote sales sites. See abstract of Dudle. Also, Dudle generally describes that the validation process, block 144, involves cross-validating a selected item against the item specification to insure, for example, that a fastener was not ordered for a single ply type form. The selected item can be validated against the item specification to ensure that the appropriate materials were selected and the correct die information was entered. Validation of the specifications can comprise field-level edits and cross-validation. See, column 13, lines 18-25 of Dudle.

However, Dudle fails to teach or suggest "a first correction processing unit for correcting the first index based on an order receiving status or a production progress status of the goods by the second trader, upon recognizing the order receiving status or

the production progress status of the second trader based on the communication with the second terminal device,” as recited in claim 5. Dudle merely discloses generating estimates and ensuring that the materials are selected. Dudle may disclose changing the item specification. See, at least, column 16, lines 44-45 of Dudle. However, Dudle’s method does not actually correct the first index as in the presently pending claims. Thus, Dudle does not cure the deficiencies of Solomon and Schreiber. The Office Action acknowledged that neither Solomon nor Shreiber teaches or suggests this limitation. Thus, the combination of Solomon, Shreiber and Dudle fails to teach or suggest all of the elements of claim 1.

Claims 5-7 depend from, and further limit, claim 1. Therefore, each of claims 5-7 recites limitations that are neither disclosed nor suggested in the cited reference. As such, it is respectfully requested that the rejection of claims 5-7 be withdrawn.

For the reasons explained above, it is respectfully submitted that each of claims 1-7 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-7 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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